

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOEMON D. HIGDON

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CRIMINAL NO. 09-cr-00742-JF

MEMORANDUM

Fullam, Sr. J.

September 23, 2010

The defendant is charged with being a felon in possession of a firearm. At his first trial, the jury was unable to agree upon a verdict, and a mistrial was declared. His retrial is scheduled to commence on Monday, September 27, 2010. Counsel for the government has filed a motion requesting a pretrial ruling to the effect that the government would be permitted to introduce evidence before the jury, and to inform the jury, that the defendant had been previously convicted of a felony. At the first trial, I followed my normal procedure of informing the jury merely that it was established as a fact that the defendant was not lawfully permitted to have possession of a firearm on the occasion in question, and that, if the jury found beyond a reasonable doubt that he did in fact possess a firearm as charged, their verdict should be guilty. Counsel for both sides had agreed upon this procedure.

At the forthcoming trial, I intend to follow my usual practice to the same effect. The only conceivable purpose for the government's stated desire to inform the jury of the

defendant's felony conviction would seem to be to prejudice the defendant in the eyes of the jury, even though, in view of counsel's stipulation, no such prejudice should become necessary.

For the foregoing reasons, I deny the government's motion.

An Order follows.

BY THE COURT:

/s/ John P. Fullam

John P. Fullam, Sr. J.